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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Fifth Committee (Part II)

Rapporteur: Mr. Mahbub KABIR (Bangladesh)

I. INTRODUCTION

1. The previous recommendations made by the Fifth Committee to the General Assembly under agenda item 159 appear in the report of the Committee contained in document A/48/802.

2. The Fifth Committee considered the item at its 58th to 61st meetings, on 30 and 31 March and 8 April 1994. Observations and comments made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/48/SR.58-61).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Reports of the Secretary-General (A/C.5/48/36, A/C.5/48/44 and Add.1);

(b) Reports of the Advisory Committee on Administrative and Budgetary Questions (A/48/765, A/48/915);

(c) Letter dated 18 February 1994 from the President of the International Tribunal to the Chairman of the Fifth Committee of the General Assembly (A/C.5/48/68).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/48/L.61

4. At the 61st meeting, on 8 April 1994, the representative of Brazil, on behalf of the Chairman, introduced a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/48/L.61), which was submitted on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/48/L.61 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Recalling its decision 48/461 of 23 December 1993, by which it authorized the Secretary-General to enter into commitments not exceeding $5.6 million for the first six months of 1994 in respect of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Having considered the reports of the Secretary-General 1/ and the related reports of the Advisory Committee on Administrative and Budgetary Questions, 2/ and bearing in mind the letter dated 18 February 1994 from the President of the International Tribunal to the Chairman of the Fifth Committee of the General Assembly, 3/

Affirming that the International Tribunal must be assured of secure and stable financing so that it may fulfil its role in full and effectively,

Taking into account the views expressed by Member States in the Fifth Committee,

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1/ A/C.5/48/36 and A/C.5/48/44 and Add.1.

2/ A/48/765 and A/48/915.

3/ A/C.5/48/68.

1. Reaffirms its resolution 47/235 of 14 September 1993;

2. Endorses the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions, 2/ subject to the provisions of the present resolution;

3. Expresses its appreciation to the Governments that have provided or pledged voluntary financial contributions for the International Tribunal and notes with satisfaction that those contributions have been provided unconditionally;

4. Invites Member States to make further voluntary contributions to the International Tribunal;

5. Stresses that the acceptance of voluntary contributions in kind or in personnel, as well as voluntary financial contributions, must be consistent with the need to ensure the impartiality and independence of the International Tribunal at all times and that such contributions should be considered supplementary to the assessed contributions;

6. Requests the Secretary-General to report on the acceptance and use of voluntary contributions, particularly those in kind or in personnel, pursuant to paragraph 5 above, no later than 31 December 1994;

7. Accepts The Hague, the Netherlands, as the seat for the International Tribunal established by the Security Council in its resolution 827 (1993) of 25 May 1993 for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Council upon the restoration of peace;

8. Notes that the Secretary-General has not yet submitted a detailed report on the requirements of the International Tribunal, in particular a justification of the numbers and levels of staff, post classification and the possibility of providing common administrative services, and requests the Secretary-General to submit a complete detailed budget estimate for the operation of the Tribunal at the earliest opportunity during the forty-ninth regular session of the General Assembly;

9. Authorizes the Secretary-General to enter into commitments for the International Tribunal in an amount not to exceed 11 million dollars, including the amount of 5.6 million dollars it authorized in its decision 48/461, for the period from 1 January to 31 December 1994;

10. Also authorizes the Secretary-General to make the necessary arrangements, including the signing of the lease agreement for the premises of the International Tribunal, to ensure that it is provided with adequate facilities and necessary staff resources and to report to the General Assembly through the budget performance report;

11. Requests the Secretary-General to submit to the General Assembly, through the Advisory Committee on Administrative and Budgetary Questions, a further report on the conditions of service of the judges, in the light of the provisions of article 13.4 of the Statute of the International Tribunal, 4/ as the work of the Tribunal proceeds and the precise nature of its requirements clearly emerges;

12. Also requests the Secretary-General to report to the General Assembly at its forty-ninth session on the financial performance of the International Tribunal and on its requirements on the basis of experience gained during 1994.

4/ S/25704, annex.